

**RESOLUTION NO. 2938**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATION FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO A CERTAIN RECIPIENT IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND

Maturity Date Extension  
Chaumont(V) - Project No. 18329

WHEREAS, by Resolution No. 2605 adopted on October 11, 2018, the Board authorized a \$594,800 five-year short-term market-rate financing to be made by the Corporation to the Village of Chaumont; and

WHEREAS, on October 17, 2018, the Public Authorities Control Board adopted Resolution No. 18-EF-751 approving the financing; and

WHEREAS, the financing is set to mature on December 31, 2022; and

WHEREAS, the Village of Chaumont requires additional time to complete the project; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village of Chaumont to extend the maturity date as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes extension of the maturity date of the financing previously authorized to the Village of Chaumont to December 31, 2024. All other authorizations, determinations, terms and conditions contained in Resolution No. 2605, and any amendments relating thereto, shall remain in effect.

Section 2. This Resolution shall take effect immediately.

BY: \_\_\_\_\_ /s/  
**Kate Siobhan Howard**  
**SECRETARY TO THE CORPORATION**

**RESOLUTION NO. 2939**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE DRINKING WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 413 of the Laws of 1996, as amended (the "DWSRF Act"), the Drinking Water State Revolving Fund (the "DWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the DWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the DWSRF Act, for the purpose of financing or refinancing water supply projects undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each of the water supply projects proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or additional subsidies descriptions of which are set out in **Exhibit A** hereto (collectively, the "DWSRF Projects"), constitute an "eligible project" within the meaning of the DWSRF Act as certified to the Corporation by the New York State Department of Health; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the DWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act"), each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Department of Health has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept DWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek DWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any DWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

## **SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND ADDITIONAL SUBSIDIES**

A. The Corporation has reviewed the information supplied by each financing applicant set forth in **Exhibit A**, in connection with its application for DWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the DWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the DWSRF Act, and to provide for the financing or refinancing of the DWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the DWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing and shall mature not later than five years from the date of the closing of such short-term Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the closing of such long-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the DWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive an interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grant), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

## **SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)**

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

## **SECTION 3. GENERAL**

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement, prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the

Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by Authorized Officers.

D. The Authorized Officers and the Secretary to the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

## Exhibit A

### DWSRF Direct Financings (Short-Term and Long-Term Financings and Additional Subsidies)

#### Short-Term Market-Rate Financing:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
18698A	Poughkeepsie (C)	Dutchess	\$1,081,157	N/A	4%

#### Project Description

This project consists of upgrading the existing ultraviolet (UV) disinfection system, replacement of the uninterruptable power supply (UPS) system, and improvements to the HVAC system in the Pipe Gallery. The project is defined by the engineering report entitled "UV Disinfection Equipment Replacement Basis of Design Report" dated August 2021 by the engineering firm Tighe & Bond, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
18698B	Poughkeepsie (T)	Dutchess	\$902,918	N/A	4%

#### Project Description

This project consists of upgrading the existing ultraviolet (UV) disinfection system, replacement of the uninterruptable power supply (UPS) system, and improvements to the HVAC system in the Pipe Gallery. The project is defined by the engineering report entitled "UV Disinfection Equipment Replacement Basis of Design Report" dated August 2021 by the engineering firm Tighe & Bond, as may be updated, amended, supplemented, and approved by the Agency.

### Long-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
17668	Hornell (C)	Steuben	\$3,792,500	N/A	0%

#### Project Description

This project consisted of various needed upgrades to the City's water system including for the water treatment plant's #1 clarifier, rehabilitation of the existing 2.5 MG storage tank, construction of a new 1.5 MG storage tank, a new blow-off for improved usage of reservoir #2, and a new water treatment plant supervisory control and data acquisition (SCADA) system. The project is defined by the engineering report titled "Water Treatment Plant - Opinions of Probable Costs for Various Upgrades" dated August 12, 2015, endorsed on October 13, 2017 and prepared by LaBella Associates DPC.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
18038	Mechanicville (C)	Saratoga	\$2,925,000	N/A	0%

#### Project Description

This project consisted of a new connection to the Saratoga County Water Authority (SCWA) system to supply the City of Mechanicville. The City's existing water treatment plant was updated to improve plant function. The project also included improvements to existing finished water storage tanks, distribution main replacement, and new water meters. This project is further defined by the engineering report entitled "Raw Water Transmission Upgrades" dated June 16, 2016 by O'Brien & Gere Engineers, Inc., and endorsed by DOH on August 3, 2016.



<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
18160-75	NYCMWFA	New York	\$9,110,530	N/A	0%

Project Description

This project provided resiliency during storm events by minimizing turbidity around the Shaft 18 intake by stabilizing the Kensico Reservoir shorelines surrounding Shaft 18. The project is defined by the engineering report entitled "Contract CRO-543 Kensico Reservoir Shoreline Stabilization Basis of Design Report" dated February 23, 2015 by the engineering firm CDM Smith and URS

## Exhibit B

### Financial Assistance Payment Recipient (Drinking Water WIIA Grant)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18698A	Poughkeepsie (C)	Dutchess	\$1,621,568

#### Project Description

This project consists of upgrading the existing ultraviolet (UV) disinfection system, replacement of the uninterruptable power supply (UPS) system, and improvements to the HVAC system in the Pipe Gallery. The project is defined by the engineering report entitled "UV Disinfection Equipment Replacement Basis of Design Report" dated August 2021 by the engineering firm Tighe & Bond, as may be updated, amended, supplemented, and approved by the Agency

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18698B	Poughkeepsie (T)	Dutchess	\$1,331,032

#### Project Description

This project consists of upgrading the existing ultraviolet (UV) disinfection system, replacement of the uninterruptable power supply (UPS) system, and improvements to the HVAC system in the Pipe Gallery. The project is defined by the engineering report entitled "UV Disinfection Equipment Replacement Basis of Design Report" dated August 2021 by the engineering firm Tighe & Bond, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
17352	South Huntington Water District	Suffolk	\$715,500

Project Description

This project consists of the construction of a new advanced oxidation process (AOP) treatment system to remove 1,4-Dioxane and other volatile organic compounds (VOCs) at South Huntington Water District Plant No. 10. The project also includes the construction of new treatment building for the AOP system; replacement of existing booster pumps; rehabilitation of existing VOC treatment blower equipment; modification of existing piping and installation of new piping to tie in new treatment building to existing distribution system; upgrading electrical service; and replacement of emergency back-up diesel generator. The facility will be designed to treat raw water from Well Nos. 10-1 and 10-2 at a flow rate up to 2,760 gallons per minute (gpm). The project is defined by the engineering report entitled "Engineering Report – Advances Oxidation Process Treatment at Plant No. 10" dated September 2018 by the engineering firm H2M, as may be updated, amended, supplemented, and approved by the Agency.

**BY:** \_\_\_\_\_ /s/  
**Kate Siobhan Howard**  
**SECRETARY TO THE CORPORATION**

**RESOLUTION NO. 2940**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATIONS FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND

Funding Increase and Modification of the Project Scope

Bergen (V) - Project No. C8-6481-02-00

WHEREAS, by Resolution No. 2873 adopted on November 4, 2021, the Board authorized a five-year short-term interest-free and market rate financing and WIIA award to be made by the Corporation to the Village of Bergen for a total maximum principal amount not to exceed \$1,044,000; and

WHEREAS, on November 17, 2021 PACB adopted Resolution No. 21-EF-847 approving the financing; and

WHEREAS, the original scope of the project associated with the Village of Bergen's financing and grant award has changed; and

WHEREAS, project costs have increased and additional funding is necessary to complete construction of the project; and

WHEREAS, the Board desires to authorize (1) an increase in the maximum principal amount of the Village of Bergen's financing and (2) a modification of the project scope as set forth herein.

Extension of the Financing Maturity Date

Cooperstown (V) - Project No. C4-5448-09-00

WHEREAS, by Resolutions Nos. 2521 and 2524 adopted on October 12, 2017, the Board authorized a five-year short-term interest-free and market rate financing and WIIA award to be made by the Corporation to the Village of Cooperstown for a total maximum principal amount not to exceed \$7,522,357; and

WHEREAS, on October 18, 2017, the Public Authorities Control Board ("PACB") adopted Resolution No. 17-EF-725 approving the financing; and

WHEREAS, by Resolution No. 2644, adopted on May 2, 2019, the Board authorized an increase in funding to the Village of Cooperstown's financing and modification of the project scope, which was approved by PACB through adoption of resolution 19-EF-769 on May 15, 2019; and

WHEREAS, the financing is set to mature on December 7, 2022; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village of Cooperstown to extend the maturity date as set forth herein.

Extension of the Financing Maturity Date  
Lake Placid (V)- Project No. C5-5512-05-00 & 01

WHEREAS, by Resolutions Nos. 2533 and 2535 adopted on January 18, 2018, the Board authorized a five-year short-term interest-free financing and WIIA award to be made by the Corporation to the Village of Lake Placid for a total maximum principal amount not to exceed \$4,735,678; and

WHEREAS, on January 24, 2018, PACB adopted Resolution No. 18-EF-731 approving the financing; and

WHEREAS, and the financing is set to mature on January 25, 2023; and

WHEREAS, the Board desires to authorize an extension of the maturity date of the Village of Lake Placid's financing as set forth herein.

Extension of the Financing Maturity Date  
Oneida Castle (V)- Project No. C6-6162-01-00

WHEREAS, by Resolutions Nos. 2533 and 2535 adopted on January 18, 2018, the Board authorized a five-year short-term interest-free financing and WIIA award to be made by the Corporation to the Village of Oneida Castle for a total maximum principal amount not to exceed \$5,029,000; and

WHEREAS, on January 24, 2018, PACB adopted Resolution No. 18-EF-731 approving the financing; and

WHEREAS, and the financing is set to mature on January 25, 2023; and

WHEREAS, the Board desires to authorize an extension of the maturity date of the Village of Oneida Castle's financing as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes the increase in the aggregate maximum principal amount of the financing previously authorized to the Village of Bergen as set forth in Exhibit A. The Board further approves modification of the original project scope associated with the Village of Bergen's financing as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in Resolution No. 2873 and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes extension of the maturity date of the financing provided to Village of Cooperstown to December 31, 2023. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2521 and 2524, and any amendments relating thereto, shall remain in effect.

Section 3. The Board hereby authorizes extension of the maturity date of the financing provided to the Village of Lake Placid to February 25, 2024. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2533 and 2535, and any amendments relating thereto, shall remain in effect.

Section 4. The Board hereby authorizes extension of the maturity date of the financing provided to the Village of Oneida to January 25, 2025. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2533 and 2535, and any amendments relating thereto, shall remain in effect.

Section 5. This Resolution shall take effect immediately.

Exhibit A

**Short-Term Interest-Free**

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term</u> <u>Interest-Free</u> <u>Financing Maximum</u>	<u>Interest Rate</u>
			<u>Principal Amount</u>	
C8-6481-02-00	Bergen (V)	Genesee	\$426,125	0%

Project Description

This project consists of planning, design and construction of Collection System and Wastewater Treatment Plant Improvements. The project is defined by the engineering report entitled "Village of Bergen Collection System Study" dated November 2016, last revised May 2021 by the engineering firm CPL, as may be updated, amended, supplemented, and approved by the Corporation.

**Short-Term Market-Rate**

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term</u> <u>Market-Rate</u> <u>Financing Maximum</u>	<u>Interest Rate</u> (not to exceed)
			<u>Principal Amount</u>	
C8-6481-02-00	Bergen (V)	Genesee	\$563,625	0%

Project Description

This project consists of planning, design and construction of Collection System and Wastewater Treatment Plant Improvements. The project is defined by the engineering report entitled "Village of Bergen Collection System Study" dated November 2016, last revised May 2021 by the engineering firm CPL, as may be updated, amended, supplemented, and approved by the Corporation.

BY: \_\_\_\_\_ /s/  
**Kate Siobhan Howard**  
**SECRETARY TO THE CORPORATION**

**RESOLUTION NO. 2941**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING UP TO \$97,436,193 IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND (NEW YORK CITY MUNICIPAL WATER FINANCE AUTHORITY PROJECTS)

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") was established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") has been established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, the applicant listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing water pollution control projects eligible for assistance under 33 USC 1383 (c) undertaken and completed or to be undertaken and completed by such applicant; and

WHEREAS, each project proposed to be financed or refinanced by such applicant through the long-term interest-bearing financings, descriptions of which are set out in **Exhibit A** hereto (collectively, the "Projects") constitute an "eligible project" within the meaning of the CWSRF Act; and

WHEREAS, with respect to the amount identified in Exhibit A, the Corporation has, where necessary, identified funds available in excess of the amount listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the long-term interest-bearing financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such long-term interest-bearing financings to the applicant, in accordance with the terms and conditions set forth in Exhibit A, and as will be more fully set forth in the closing documents for the financing (the "Direct Financing"); and



WHEREAS, the Corporation's staff has conducted an evaluation of the Direct Financing to determine whether the Projects meet the relevant criteria set forth in Article 6 of the Environmental Conservation Law (the "State Smart Growth Public Infrastructure Policy Act") and has made a recommendation to the President; and

WHEREAS, for any Project subject to the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the Project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act, to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, a detailed statement of justification has been provided.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

## **SECTION 1. LONG-TERM FINANCINGS**

A. The Corporation has reviewed the information supplied by the financing applicant set forth in **Exhibit A** in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the CWSRF Act, and to provide for the financing or refinancing of the Projects, the Corporation is hereby authorized to provide the Direct Financing, from monies in the CWSRF, to the applicant listed in **Exhibit A** in compliance with applicable law. The Direct Financing shall be in a principal amount (including additional subsidization, if any) not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall bear interest at a rate not in excess of the rate set forth in **Exhibit A**; the short-term Direct Financing and any extension thereof shall mature not later than five years from the date of the initial making of such short-term Direct Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the making of such long-term Direct Financing; such principal amounts and maturities to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel, or Controller (collectively, the "Authorized Officers") of the Corporation.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to the applicant a financing agreement for such applicant's Direct Financing, in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and

the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section or by Section 1.B of this Resolution.

## **SECTION 2. GENERAL**

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any financing agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any financing agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

Exhibit A

<u>Applicant</u>	<u>Counties</u>	<u>Long-Term Interest-Bearing Financing Maximum Principal Amount</u>	<u>Initial Interest Rate</u> (not to exceed)
New York City Municipal Water Finance Authority	Bronx, Kings, New York, Queens, and Richmond	\$97,436,193	4%

<u>Project Number</u>	<u>Description</u>
C2-5201-16-75	Wards Island WWTP Resiliency Measures
C2-5202-17-75	Hunts Point WWTP Resiliency Measures
C2-5203-17-75	Bowery Bay WWTP Resiliency Measures
C2-5204-03-75	Tallman Island WWTP Resiliency Measures
C2-5209-13-75	Newtown Creek WWTP Resiliency Measures
C2-5225-30-75	122nd Street Pump Station Resiliency Measures
C2-5225-56-75	24th Avenue Pump Station
C2-5227-21-75	Owls Head WWTP Resiliency Measures
C2-5233-17-75	Red Hook WWTP Resiliency Measures
C2-5236-16-75	Port Richmond WWTP Resiliency Measures

BY: /s/  
Kate Siobhan Howard  
SECRETARY TO THE CORPORATION

**RESOLUTION NO. 2942**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE CLEAN WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of New York of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low-cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing projects eligible for assistance under the Federal Water Pollution Control Act (the "Clean Water Act") 33 USC 1383 (c), and undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021) , also referred to as the Bipartisan Infrastructure Law, ("IIJA" or "BIL") reauthorizes and amends funding levels and certain provisions in the Clean Water Act; and

WHEREAS, each project proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or additional subsidies descriptions of which are set out in **Exhibit A** hereto (collectively, the "CWSRF Projects") constitute an "eligible project" within the meaning of the CWSRF Act and the Clean Water Act, including, but not limited to, amendments under BIL; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act") each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept CWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek CWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any CWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

## **SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS**

A. The Corporation has reviewed the information supplied by each financing applicant, set forth in **Exhibit A**, in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the CWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act, the Clean Water Act, and the CWSRF Act, and to provide for the financing or refinancing of the CWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the additional subsidies, from monies in the CWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing shall mature not later than five years from the date of the closing of such short-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel, or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the CWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grants), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

## **SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)**

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds, to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

## **SECTION 3. GENERAL**

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by the Authorized Officers.

D. The Authorized Officers and the Secretary to the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

## Exhibit A

### CWSRF Direct Financings (Short-Term and Long-Term Financings and Additional Subsidies)

#### Short-Term Interest-Free Financing:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C6-6167-01-00	Hermon (T)	St. Lawrence	\$2,000,000	N/A	0%

#### Project Description

This project consists of planning, design and construction of the Wastewater Collection & Treatment System Improvements Project. The project is defined by the engineering report entitled "Town of Hermon I/I Investigation & Treatment Disinfection Evaluation" dated August 2020 by the engineering firm Barton & Loguidice, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C3-5370-01-00	Liberty (T)	Sullivan	\$6,916,000	\$6,916,000	0%

#### Project Description

This project consists of planning, design and construction of an expansion and upgrades to the Town of Liberty's Swan Lake Wastewater Treatment Plant (WWTP). The project is defined by the engineering report entitled "Preliminary Engineering Report – Swan Lake Wastewater Treatment Plant Upgrade" dated October 2021 by the engineering firm Delaware Engineering, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.



<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C3-7332-11-01	Newburgh (C)	Orange	\$2,568,662	\$9,137,325	0%

Project Description

This project consists of financing costs associated with the planning, design and construction of Long Term Control Plan (LTCP) improvements to the City of Newburgh's combined sewage collection system and wastewater treatment plant (WWTP). The project is defined by the engineering report entitled "City of Newburgh CSO Long Term Control Plan" dated January 2013 and "City of Newburgh CSO Long Term Control Plan Addendum" dated January 2016, both prepared by the engineering firm Arcadis, as may be updated, amended, supplemented, and approved by the Corporation.

### Long-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C6-6115-01-00	Adams (V)	Jefferson	\$3,094,942	N/A	0%

#### Project Description

This project consisted of planning, design and construction of the Village of Adams Water Pollution Control Facility and Collection System Improvements. The project is defined by the engineering report entitled "Water Pollution Control Facility and Collection System Evaluation" dated October 2015, revised April 2018 by the engineering firm Barton & Loguidice, D.P.C. that was approved by the New York State Environmental Facilities Corporation (NYSEFC) on April 30, 2018. The project is further defined by the plans and specifications entitled "Water Pollution Control Facility and Collection System Improvements" dated May 2019 by the engineering firm Barton & Loguidice, D.P.C. that were approved and made eligible by the NYSEFC on June 5, 2019.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C5-7503-01-00	AuSable (T)	Clinton	\$5,348,808	N/A	0%

#### Project Description

This project consisted of planning, design and construction of sanitary sewer rehabilitation and wastewater treatment plant (WWTP) disinfection. The project is defined by the engineering reports entitled "Town of AuSable Sanitary Sewer Collection System Evaluation" dated June 30, 2015 and prepared by AES Northeast. The report was approved by the New York State Department of Environmental Conservation (NYSDEC) on January 26, 2017 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on April 20, 2017. The project is further defined by the plans and specifications entitled "Town of AuSable, Sewer Collection System Improvements" dated April 13, 2020 by the engineering firm AES Northeast that were approved by the NYSDEC on April 27, 2020 and made eligible by the NYSEFC on January 5, 2021.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C9-6679-01-00	Chautauqua (T)	Chautauqua	\$1,822,856	N/A	0%

Project Description

This project consisted of planning, design and construction of the decommissioning the Chautauqua Heights Sewer District (CHSD) Wastewater Treatment Plant (WWTP) and constructing a pumping station and force main. The project is defined by the engineering report entitled "Chautauqua Heights Sewer District WWTP Alternatives Evaluation" dated April 2017 by the engineering firm O'Brien & Gere and approved and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on June 27, 2017. The project is further defined by the plans and specifications entitled "Sewer District No. 1 Pumping Station and Force Main Project" dated May 2018 by the engineering firm O'Brien & Gere that were approved by the New State Department of Environmental Conservation (NYSDEC) on May 29, 2018 and made eligible by the NYSEFC on October 30, 2018.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C1-5120-05-75 & 76	Suffolk County	Suffolk	\$6,793,302	N/A	0%

Project Description

This project consists of the planning, design and construction of the Final Effluent Pump Station Rehabilitation project at Suffolk County's Bergen Point Wastewater Treatment Plant (WWTP). The project is defined by the engineering report entitled "Sewer District 3 – Southwest Bergen Point Wastewater Treatment Plant Outfall Replacement Project" dated May 2011 by the engineering firm CDM Smith and the addendum to the engineering report dated March 17, 2014 by the engineering firm CDM Smith that were approved by the New York State Environmental Facilities Corporation (NYSEFC) on April 11, 2014. The project is further defined by plans and specifications entitled, "Suffolk County Sewer District 3 – Southwest, Improvements to the Final Effluent Pump Station, Capital Project No. 8108" that were approved by the NYSEFC on May 19, 2015.

## Exhibit B

### Financial Assistance Payment Recipients (Clean Water WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C3-5370-01-00	Liberty (T)	Sullivan	\$4,500,000

#### Project Description

This project consists of planning, design and construction of an expansion and upgrades to the Town of Liberty's Swan Lake Wastewater Treatment Plant (WWTP). The project is defined by the engineering report entitled "Preliminary Engineering Report – Swan Lake Wastewater Treatment Plant Upgrade" dated October 2021 by the engineering firm Delaware Engineering, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C3-7332-11-01	Newburgh (C)	Orange	\$5,577,500

#### Project Description

This project consists of financing costs associated with the planning, design and construction of Long Term Control Plan (LTCP) improvements to the City of Newburgh's combined sewage collection system and wastewater treatment plant (WWTP). The project is defined by the engineering report entitled "City of Newburgh CSO Long Term Control Plan" dated January 2013 and "City of Newburgh CSO Long Term Control Plan Addendum" dated January 2016, both prepared by the engineering firm Arcadis, as may be updated, amended, supplemented, and approved by the Corporation.

BY: \_\_\_\_\_ /s/

**Kate Siobhan Howard**  
**SECRETARY TO THE CORPORATION**

**RESOLUTION NO. 2943**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL  
FACILITIES CORPORATION AUTHORIZING THE PRESIDENT OF  
THE CORPORATION OR THE PRESIDENT'S DESIGNEE TO  
ENTER INTO A CONTRACT FOR LEGAL RESEARCH SERVICES

WHEREAS, the New York State Environmental Facilities Corporation Act, Title 12 of Article 5 of the Public Authorities Law of New York State, as amended, established the New York State Environmental Facilities Corporation (the "Corporation") as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes; and

WHEREAS, the Corporation requires legal research services to provide access to comprehensive and current legal information; and

WHEREAS, Thomson Reuters is the vendor that currently provides said legal research services to the Corporation pursuant to a contract that expires November 20, 2022; and

WHEREAS, the Corporation determined that Thomson Reuters is a responsible vendor and can provide the online legal research services at a reasonable price; and

WHEREAS, the Corporation determined that the needed services are not available through a preferred source, New York State Office of General Services centralized contract or competitively awarded procurement; and

WHEREAS, the Corporation determined that it would best meet the needs of the Corporation to enter into a single source contract with Thomson Reuters to allow Thomson Reuters to continue to provide legal research services; and

WHEREAS, pursuant to the Corporation's Procurement Guidelines, a contract for services for a term in excess of one year requires the approval by the Board of Directors; and

WHEREAS, it is the recommendation of the Corporation that the Board continue the services provided by Thomson Reuters through a new contract; and

WHEREAS, the Board wishes to authorize the negotiation of and entry into a new contract with Thomson Reuters to provide its services to the Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby approves the selection of Thomson Reuters to provide legal research services to the Corporation; and

Section 2. The President of the Corporation or the President's designee are hereby authorized to negotiate and enter into a contract with Thomson Reuters for such services upon such terms and conditions as the President or their designee determine to be appropriate and in the best interests of the Corporation. The maximum term for any such contract shall be for a period of three years. The annual cost for services will be \$21,147.12, with a maximum increase of 3% annually.

Section 3. This Resolution shall take effect immediately upon its adoption.

BY: \_\_\_\_\_ /s/  
**Kate Siobhan Howard**  
**SECRETARY TO THE CORPORATION**